

WOLFF & SAMSON PC  
THE OFFICES AT CRYSTAL LAKE  
ONE BOLAND DRIVE  
WEST ORANGE, NEW JERSEY 07052  
973-325-1500  
ATTORNEYS FOR DEFENDANT, ADVANCED ENVIRONMENTAL TECHNOLOGY CORP. (TS-6491)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BOARHEAD FARM AGREEMENT GROUP,

Plaintiff,

v.

ADVANCED ENVIRONMENTAL  
TECHNOLOGY CORPORATION, et al.,

Defendants.

Civil Action No. 02-3830 (LDD)

**ORDER GRANTING SUMMARY  
JUDGMENT, OR IN THE  
ALTERNATIVE, DISMISSING COUNT  
SIX OF ASHLAND'S CROSS-CLAIM  
FOR FAILURE TO PLEAD WITH  
PARTICULARITY**

THIS MATTER having been brought before the Court by Wolff & Samson PC, attorneys for Defendant Advanced Environmental Technology Corp. ("AETC"), by way of motion and upon proper notice to all counsel of record, for an Order granting summary judgment dismissing Counts One through Ten of Ashland, Inc.'s ("Ashland") Cross-claim against AETC, pursuant to Fed. R. Civ. P. 56(c), or in the alternative, dismissing Count Six of Ashland's Cross-claim against AETC for failure to plead fraud with particularity, pursuant to Fed. R. Civ. P. 9(b), and the Court having considered the arguments of counsel, and having reviewed the papers submitted by the parties, and for good cause shown;

IT IS on this \_\_\_\_\_ day of March, 2008,

ORDERED that:

1. Defendant AETC's motion for summary judgment on all Counts of Ashland's Cross-claim against it is hereby granted; and

2. Ashland's Cross-claim is hereby dismissed in its entirety with prejudice; or in the alternative;

3. Defendant AETC's motion for summary judgment is hereby granted as to Count One of Ashland's Cross-claim against AETC because it is not supported by the undisputed facts; and

4. Count One of Ashland's Cross-claim asserting breach of written contract is hereby dismissed in its entirety with prejudice; and

5. Defendant AETC's motion for summary judgment is hereby granted as to Count Six of Ashland's Cross-claim against AETC because it is not supported by the undisputed facts; and

6. Count Six of Ashland's Cross-claim asserting fraud in the inducement is hereby dismissed in its entirety with prejudice; or in the alternative

7. Defendant AETC's motion to dismiss Count Six of Ashland's Cross-claim against AETC is hereby granted for failure to plead fraud with particularity, pursuant to Fed. R. Civ. P. 9(b); and

8. Count Six of Ashland's Cross-claim asserting fraud in the inducement is hereby dismissed, pursuant to Fed. R. Civ. P. 9(b), for failure to plead with particularity; and

9. A copy of this Order shall be served by regular mail upon all counsel of record within seven (7) days of receipt hereof.

---

LeGrome D. Davis, U.S.D.J.

This Motion was:

\_\_\_\_\_ Opposed  
\_\_\_\_\_ Unopposed

The Court's findings of fact and  
conclusions of law were:

\_\_\_\_\_ Written  
\_\_\_\_\_ Oral and placed on the record on \_\_\_\_\_.